

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the preliminary hearing record and considering the briefs of the parties, the Appeals Board finds as follows:

At the May 13, 1998, preliminary hearing, claimant requested medical treatment for work-related deQuervain's syndrome of both thumbs as recommended by plastic reconstruction and hand surgeon John Michael Quinn, M.D. Respondent appealed and generally contends the Administrative Law Judge exceeded her jurisdiction in granting claimant's preliminary request for medical treatment.

Claimant contends the Administrative Law Judge did not exceed her jurisdiction because the preliminary hearing statute, K.S.A. 1997 Supp. 44-534a, specifically authorizes the Administrative Law Judge to make a preliminary hearing award for medical compensation pending a full hearing on the claim.

The Appeals Board agrees with the claimant and finds the issues raised by the respondent are not jurisdictional issues listed in the preliminary hearing statute. The Appeals Board, on previous occasions, has decided it does not have jurisdiction to review preliminary hearing issues involving the granting or denying of medical treatment. See Rayman v. Spears Manufacturing, Docket No. 213,649 (May 1997) and Kyles v. Hallmark Cards, Inc., Docket No. 210,553 (May 1998). Therefore, the Appeals Board finds the appeal of the respondent should be dismissed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the respondent's appeal is dismissed, and Administrative Law Judge Julie A. N. Sample's preliminary hearing Order dated May 27, 1998, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of July 1998.

BOARD MEMBER

c: Leah Brown Burkhead, Mission, KS
Kenneth J. Hursh, Overland Park, KS
Julie A. N. Sample, Administrative Law Judge
Philip S. Harness, Director